IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO: 27394 of 1997

Between:

Geeta Ice Factory, rep.by its Proprietor Mr.N.Ramachandra Reddy,

S/o N.R.Reddy, Devuni Cuddapah, Cuddapah District.

..... PETITIONER

AND

1. Chief Engineer, Electricity, Cuddapah Zone, Cuddapah.
2. Superintending Engineer, A.P.S.E.B., Cuddapah.

(Dismissed for default as per Court Order dt.24/8/2000 as against R.2)

3. Assistant Divisional Engineer, O.C.C., A.P.S.E.B., Cuddapah.

.....RESPONDETS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ order or direction, declaring the action of the respondents is illegal, arbitrary and principles of natural justice, and to declare the orders of the 1st respondent passed in Lr.No.CE/CZ/CDP/O&P/221/A.144.97-CDP/3459/97 dt.21-8-1997.

Counsel for the Petitioner: MR.S.ASHOK REDDY

Counsel for the Respondents: SMT.M.VINOBHA DEVI

The Court made the following:

ORDER:

Heard both sides.

The petitioner herein, who is running an Ice factory, seeks to assail by way of writ of Mandamus the impugned proceedings dated 21.08.1997, whereunder the petitioner was assessed to the consumption of energy by way of pilferage which was found in the inspection conducted on 27.03.1997.

During the inspection, it was found that a gap is created at the bottom side of the glass in between meter cover and meter glass through which any material can be inserted. Further, during the internal examination at MRT lab, the glass holding the frame was found intact in three sides and deteriorated at bottom side due to frequent insertion of thin hard plastic material through the meter glass and cover. The adhesive material used for fixing meter glass and meter cover was found removed by insertion of foreign material. The bottom side of the meter cover was also shining due to abrasion. The

adhesive material dust and plastic fiber in large quantity is collected inside the meter cover.

With the above allegations, the petitioner was served with a notice followed by a provisional assessment and also by taking into consideration his explanation ultimately final assessment was made. Initially primary authority assessed an amount of Rs.2,74,072.50 ps, however, on appeal the appellate authority reduced the same to Rs.1,44,209.50 ps.

Though the learned counsel for the petitioner sought to raise several questions, however, having regard to the finding of fact arrived at by both the authorities, this Court could not go into the same. It is represented by the learned counsel for the petitioner that the petitioner has already deposited a sum of Rs.93,086.25 ps.

By taking into consideration the same, the petitioner is permitted to pay the balance amount within a period of two months from today.

With the above observation, the writ petition is disposed of. No costs.

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16.12.2004

VGB

To

1. The Chief Engineer, Electricity, Cuddapah Zone, Cuddapah.
2. Assistant Divisional Engineer, O.C.C., A.P.S.E.B., Cuddapah.
3. 2 CD copies.